

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dennis Lawrence Nicholson	:	
		:	Art Unit: 3743
Serial No.:	10/728,233	:	
		:	Examiner: Lu, Jiping
Filed:	December 4, 2003	:	
		:	
For:	METHODS AND APPARATUS	:	
	TO FACILITATE DRYING	:	
	GOLF GLOVES	:	

DECLARATION UNDER 37 C.F.R. § 1.132

I, Dennis Lawrence Nicholson, upon being first duly sworn, upon my oath, depose and say as follows on my own personal knowledge:

1. I am the inventor of the golf glove drying apparatus described in the above-referenced patent application. I am familiar with the golf cart, the golf glove drying apparatus, and the method of drying a damp golf glove described in the present patent application.

2. I have read and understand the Office Action mailed July 6, 2010 in the present patent application, and U.S. Patent Nos. 6,471,091 (Unverzagt), 3,587,570 (Kilbey), and 6,499,227 (Jacobson) cited therein.

3. I am a principal of Nicholson Golf Enterprises, which markets and sells a golf glove drying apparatus called the Drymax™ Glove Caddy.

4. Features of the Drymax™ Glove Caddy are described in the above-referenced patent application. More specifically, the golf glove drying apparatus includes a first end, an opposing second end, a body extending from the first end to the second end, a first edge extending from the first end to the second end, and a second edge that is substantially perpendicular to the first edge. The first edge is longer than the second edge. The body includes an inner surface and an opposing outer surface. The body is configured to couple to a frame support such that the first edge is substantially parallel to a longitudinal axis of the

frame and the second edge substantially circumscribes the support. A central axis of the apparatus extends from the first end to the second end such that the body is aligned substantially concentrically with and surrounds the support. The central axis is substantially coaxial with the longitudinal axis of the frame when the body substantially conforms to an external surface of the support and when the apparatus is coupled to the support. The body inner surface includes at least one first fastening mechanism for coupling the body to the support. The at least one first fastening mechanism extends parallel to the first edge. The body outer surface includes a plurality of second fastening mechanisms for removably coupling a golf glove flap portion and a golf glove backing portion directly against the body such that the glove remains coupled in a mating arrangement against the outer surface when the apparatus is coupled to the support. The plurality of second fastening mechanisms extend between the first end and said second end.

5. The Drymax™ Glove Caddy has experienced commercial success since its introduction to the golf retail market in 2005. For example, after being featured at the 2006 PGA Merchandise Show, the Drymax™ Glove Caddy received interest from several vendors and/or retailers. Edwin Watts Golf Shops, one of the premier specialty golf retailers, has promoted the Drymax™ Glove Caddy in its catalog for both domestic and international sales.

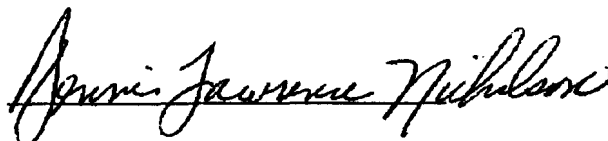
6. It is my opinion that the claimed features of the golf glove drying apparatus described in the present patent application contribute to the commercial success of the Drymax™ Glove Caddy. More specifically, there is a nexus between the commercial success of the Drymax™ Glove Caddy and the relative orientation of the first end, the second end, the body, the first edge, the second edge, and the fastening mechanisms. For example, the relative orientation provides a relatively large surface that facilitates easily coupling the Drymax™ Glove Caddy to the golf cart and/or securely holding the golf glove in place.

7. It is my opinion that the commercial success of Drymax™ Glove Caddy is not due to pricing, heavy promotion or advertising, shift in advertising, consumption by purchasers normally tied to Nicholson Golf Enterprises, or by other business events extraneous to the merits of the claimed invention. For example, the pricing of the Drymax™ Glove Caddy has been maintained at or near the price of other golf glove drying apparatus on the market, and the amount spent on advertising and promoting the Drymax™ Glove Caddy has remained relatively consistent over the years.

8. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: _____

9/1/10



Dennis Lawrence Nicholson